



April 11, 2025

VIA ECF

Honorable Mary Kay Vyskocil
 United States District Court
 Southern District of New York
 500 Pearl Street, Room 2230
 New York, NY 10007

USDC SDNY
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Re: *American Association of University Professors et al. v. U.S. Department of Justice et al.*, Case No. 1:25-cv-02429

Dear Judge Vyskocil:

As counsel for Plaintiffs in the above-referenced case, we respectfully (1) request, based on new developments, reconsideration of the Court's April 8, 2025 order granting Defendants' request for an extension of time to May 1, 2025, for Defendants to respond to Plaintiffs' pending motion for preliminary injunction, ECF No. 57; and (2) request that the Court set a hearing date on the preliminary injunction motion as soon as practicable after the deadline for Plaintiffs' reply. As discussed below, on the same day that Defendants submitted their request for an extension, April 8, 2025 (ECF No. 56), and without any notice to Plaintiffs or the Court, Defendant National Institutes of Health ("NIH") **froze hundreds of millions more dollars in federal funds** to Columbia University. In light of these dramatically changed circumstances that were not known by Plaintiffs and not disclosed to the Court at the time the extension was sought, Plaintiffs request that the extended deadline for Defendants' response be reset to April 24, 2025, and that the Court set a preliminary injunction hearing to take place as soon as practicable after the deadline for Plaintiffs' reply. Defendants oppose this motion.

Plaintiffs' pending preliminary injunction motion seeks an order prohibiting Defendants from terminating, canceling, suspending, pausing, issuing stop-work orders, or otherwise interfering with federal grants to Columbia University, without first fully complying with all the substantive and procedural requirements of Title VI of the Civil Rights Act and the Administrative Procedure Action, and an order restoring the status quo *ante* by reinstating all federal funds that were terminated, canceled, suspended, paused or otherwise withheld pursuant to Defendants' decision announced March 7, 2024 to immediately cancel \$400 million in federal funding to Columbia, including more than \$250 million in funding from Defendant NIH. See ECF No. 24 at 1; ECF No. 26 at 4.

In response to Defendants' request for an extension of their briefing deadline, Plaintiffs offered that they would agree to an extension until May 1, if Defendants agreed that Defendants would not cancel, pause, or terminate any additional funding to Columbia University until after the Court has ruled on Plaintiffs' pending preliminary injunction motion. Defendants did not agree



to that request. Because Defendants did not agree to refrain from imposing further funding cuts, given the ongoing harm to Plaintiffs and their members as well as the prospect for further harm that Plaintiffs seek to prevent in the pending preliminary injunction motion, *see* ECF No. 26 at 8-9, 27-28 (discussing ongoing irreparable harm), Plaintiffs opposed an extension until May 1, 2025, while stating that Plaintiffs would agree to an extension until April 24, 2025.

On April 9, 2025, the day after this Court granted Defendants' extension request, *Science* reported that on April 8, 2025—the same day that Defendants' submitted their extension request to this Court—Defendant NIH, at the instruction of its parent agency, Defendant U.S. Department of Health and Human Services (HHS), began freezing *all* federal funding to Columbia and determined that it will stop paying investigators working on all existing NIH projects. *See* Sara Reardon, *Exclusive: NIH Freezes All Research Grants to Columbia University* (April 9, 2025), available at <https://www.science.org/content/article/nih-freezes-all-research-grants-columbia-university>, attached as Exhibit A. Plaintiffs have also received copies of internal NIH correspondence confirming that all NIH funding to Columbia has been frozen. According to public reporting, Columbia received about \$690 million in grant funding from NIH in 2024. *See id.* Defendants' new action freezing all NIH grants to Columbia, without prior notice, thus appears to involve many hundreds of millions of dollars in additional NIH grants beyond those that Defendants previously canceled or terminated. Defendants' escalation demonstrates the urgent need for resolution of Plaintiffs' pending motion for a preliminary injunction.

In light of Defendants' new April 8 funding freeze, Plaintiffs respectfully request that the Court reset the deadline for Defendants to respond to the pending preliminary injunction motion to April 24, 2025, and that the Court set a preliminary injunction hearing promptly after the deadline for Plaintiffs' reply brief. The Court granted Defendants' request to extend the default April 17, 2025, deadline in light of the upcoming Passover and Holy Week/Easter holidays. ECF No. 57. A revised deadline of April 24 would accommodate Passover (Saturday evening, April 12, through Sunday, April 20) and the Holy Week/Easter holidays (Palm Sunday, April 13, through Easter Sunday, April 20). Defendants declined Plaintiffs' offer for a longer extension if Defendants agreed not to cancel additional federal funding to Columbia until the preliminary injunction motion is resolved. Defendants' refusal to agree, coupled with Defendants' decision to freeze hundreds of millions of dollars in additional NIH grants the same day, demonstrates the urgent need for expedited resolution of the pending preliminary injunction motion.

Respectfully submitted,

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**Pro hac vice* application granted, pending, or forthcoming

Counsel for Plaintiffs

Plaintiffs' request for reconsideration of the briefing schedule is DENIED. The Court will promptly schedule a hearing on Plaintiffs' motion for a preliminary injunction if the motion is not "amenable to complete resolution on [the] paper record." *St. Joseph's Hosp. Health Ctr. v. American Anesthesiology of Syracuse, P.C.*, 131 F.4th 102, 108 (2d Cir. 2025).

Date: April 11, 2025
New York, New York

A handwritten signature in black ink that reads "Mary Kay Viskocil". Below the signature, the name "Mary Kay Viskocil" is printed in a smaller, standard font, followed by "United States District Judge".